

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 13-186—sSB 814

Planning and Development Committee

Environment Committee

Judiciary Committee

**AN ACT CONCERNING INTERVENTION IN PERMIT PROCEEDINGS
PURSUANT TO THE ENVIRONMENTAL PROTECTION ACT OF 1971**

SUMMARY: This act codifies the Connecticut Supreme Court’s 2002 decision in *Nizzardo v. State Traffic Commission* (see BACKGROUND) by setting conditions on verified pleadings by parties seeking to intervene in a proceeding on, or judicial review of, conduct that could harm the state’s natural resources. Under the act, a verified pleading in a proceeding under the state environmental protection act (CGS § 22a-19) must:

1. contain specific factual allegations setting forth the nature of the alleged unreasonable pollution, impairment, or destruction and
2. allow the reviewing authority to determine whether the intervention affects an issue within its jurisdiction (see BACKGROUND).

For the purposes of this statute, the act defines “reviewing authority” as the board, commission, or other decision-making authority in an administrative, licensing, or other proceeding, or the court conducting a judicial review.

EFFECTIVE DATE: October 1, 2013

BACKGROUND

Nizzardo v. State Traffic Commission

The Connecticut Supreme Court has held that verified pleadings made under CGS § 22a-19 “must contain specific factual allegations setting forth the environmental issue that the intervenor intends to raise” (*Nizzardo v. State Traffic Commission*, 259 Conn. 131, 164-165 (2002)). In addition, it found that intervenors may only raise environmental concerns that are within the jurisdiction of the authority conducting the proceeding. It held “the facts contained [in a verified pleading] should be sufficient to allow the agency to determine from the face of the petition whether the intervention implicates an issue within the agency’s jurisdiction.”

OLR Tracking: JB:KM:PF:ts